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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,066	06/25/2001	Duriez Gilbert	612.40180X00	1768

20457 7590 02/17/2004

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EXAMINER

SIEFKE, SAMUEL P

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/887,066	Applicant(s) GILBERT ET AL.	
	Examiner Samuel P Siefke	Art Unit 1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/29/03 amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/29/03 have been fully considered but they are not persuasive. The Applicant argues that there is "no mention made in Issenmann of the need to provide any of these tubes with an inner tube which limits retention of trace hydrocarbons." Issenmann objects of the present invention are sampling the gaseous content of a liquid laden with solids. The apparatus is applicable to the sampling of gaseous hydrocarbons suspended in drilling mud obtained from an oil exploration well. Oil exploration wells are well known to be located off shore miles away from land where analysis on these suspended hydrocarbons can be processed. Therefore, there is motivation to combine Issenmann with the elongated fuel and vapor tube having multiple layers of Cheney in order to provide tubes that limits retention of trace hydrocarbons so that the samples can be analyzed in there purest form when transported from the degassing apparatus. Applicant argues, "There is no suggestion to use the tubs of Cheney to limit retention of trace hydrocarbons." Cheney teaches the need for this tubing and then discloses tubing that limits the retention time of hydrocarbons (specifically col. 1, lines 25-30; col. 3, lines 11-22; col. 4, lines 30-32 (vapor recovery); col. 4, lines 39-44). This clearly exhibits tubing that limits the retention of hydrocarbons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **9-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Issenmann (USPN 5,090,256) in view of Cheney et al. (USPN 5,566,720).

Issenmann teaches a method and apparatus for sampling the gaseous content of a liquid by providing a means for extracting in the gaseous form hydrocarbons contained in a liquid drilling fluid after drilling in a reservoir rock (liquid laden with solids, oil well, col. 1, lines 7-13; col. 3, lines 2-32), means for transporting the extracted gases (col. 5, lines 58-63), means intended for analysis on theses extracted gases (abstract; col. 3, lines 11-18; col. 4, lines 19-20; col. col. 5, lines 58-63;) .

Issenmann does not teach any information regarding the specific material that is in the transport tubing.

Cheney teaches an elongated fuel and vapor tube having multiple layers suitable for conveying fluids containing hydrocarbons having a first layer disposed radially innermost and having an inner surface capable of prolonged exposure to the hydrocarbon-containing fluid that comprises of a fluoroplastic material being a

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terpolymeric material containing tetrafluoroethylene, vinylidene difluoride and hexafluoropropylene (abstract, col. 3, lines 37-40; col. 4, lines 18-33), the inner tube being externally protected by at least one other sheath (claim 1). It would have been obvious to one having an ordinary skill in the art at the time to modify Issenmann to include the elongated fuel and vapor tube of Cheney because of the increased retention time of the hydrocarbons in the tubing during the transporting to the analyzer or the measurement means.

Regarding claim 4, the thickness of the inner tube ranges between 0.1 mm and 0.5 mm and it is preferably below 0.2mm. Cheney teaches the inner tubing having a **total wall thickness** of between about 0.5 mm and 2 mm. At its smallest wall thickness 0.5 mm the wall comprises of three layers, an innermost, a secondary sub layer, and a second layer, a total of three layers (claim 14; col. 4, lines 34-46). Therefore at least one of the layers is below 0.2 mm.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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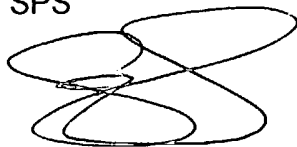
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel P Siefke whose telephone number is 703-306-0093. The examiner can normally be reached on M-F 7:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 703-308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9311 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

SPS



January 26, 2004


Jill Warden
Supervisory Patent Examiner
Technology Center 1700